



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

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

DETAILS OF COURSE OFFERED

EVEN SEMESTER (VIII) – ACADEMIC YEAR

SL. NO	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1	804 CN OP IV	HEALTH & MEDIA LAW - II	4		1	4	

A. CODE AND TITLE OF THE COURSE: 804 CN OP 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: HIMANGSHU RANJAN NATH

1. COURSE OBJECTIVES

Mass Media systems of the world vary from each other according to the economy, polity, religion and culture of different societies. In societies, which followed communism and totalitarianism, like the former USSR and China, there were limitations of what the media could say about the government. Almost everything that was said against the State was censored for fear of revolutions. On the other hand, in countries like USA, which have a Bourgeois Democracy, almost everything is allowed. Shifting our view to the Indian perspective and its system of Parliamentary Democracy, it is true that, the Press is free but subject to certain reasonable restrictions imposed by the Constitution of India. Before the impact of globalization was felt, the mass media was wholly controlled by the government, which let the media project only what the government wanted the public to see and in a way in which it wanted the public to see it. However, with the onset of globalization and privatization, the situation has undergone a humongous change.

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.

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. COURSE OUTCOMES

- On completion of this course, students are expected to understand the basic concepts and underlying ideas of each module and thereby they shall be in a position to understand the importance of media freedom, constitutional position of freedom of press and other means of media, regulatory frameworks for media in India etc.
- Further, by learning this course, it is expected that the students would be immensely benefited in their individual life by well acquitting with the regulations limiting media as now days it has been witnessed that often media use to advent personal sphere of individuals.
- Likewise, students can also avail the benefit of the course in their professional and social life through fighting for other fellow individual's right both outside and inside of the courtroom in relation to privacy invasion by media.
- 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.
- Apart from the media as a whole, in this course specific rights of media persons are also going to be discussed which will definitely help the students in their future life.

4. COURSE EVALUATION METHOD

The students will be assessed in this course for 200 Marks divided into two types of formal examinations (i.e. two Class Tests 35 marks each and the End Semester Examination for 60 marks), class attendance (for 10 marks), two assignments (for 40

marks) and Seminar (for 20 marks). The formal examinations will be run on a traditional closed-book format. The structure of the examination (duration, number of questions, etc.) will be notified to the students in due course by the examination section.

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

MODULE I

History of Media & Media Law

1. Media – History, Theories and Evolution, Different forms of Media
2. History of Media Legislation – British experience, Media Legislation in U.S. Media Legislation in India
3. Media in the Constitutional Framework – Right to Freedom of Expression in, Interpretation of Media freedom, Issues of Privacy, Right to Information, Right to Publication, Right to Circulation, Right to Advertise, Right to Broadcast

MODULE II

Media – Regulatory Framework I

1. Legal Dimensions of Media – Media & Criminal Law (Defamation / Obscenity/Sedition), Media & Tort Law (Defamation & Negligence), Media & Legislature (Privileges of the Legislature), Media & Judiciary (Contempt of Court), Media & Executive (Official Secrets Act), Media & Journalists (Working Journalists Act & Press Council Act)
2. Self-Regulation & Other Issues – Media and Ethics, Self-Regulation vs Legal Regulation, Media & Human Rights, Airwaves and Government Control, Licensing

MODULE III

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 IV

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

6. PRESCRIBED READINGS

1. Basu, Dr. Durga Das, Law of The Press, 5th Edn., Lexis Nexis, Haryana, 2010
2. Bloy, Duncan & Hadwin, Sara, Law and the Media, 2nd Edn., Sweet & Maxwell, London, 2013
3. Carey, Peter, Media Law, 2nd 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; 1st Edition, Bahri Sons (India Research Press), New Delhi, 2000
8. Jethmalani, Ram and Chopra, D. S., Cases and Materials on Media Law, 1st Edition, Thomson Reuters, New Delhi, 2012
9. Paul, Sebastian, Ethics and The Media, 3rd 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, 11th 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