

Specialisation Course-V: Media and Law

Objectives:

In an age dominated by media, media law occupies a prominent place. Mass media such as press, radio, television, films and internet play a vital role in socialization, culturalisation and modernization of a society. The visual media are bound to have a much greater impact on human mind. But while these media have such a potential value as main educators, they are also capable of destructive and harmful effects of promoting criminal and anti-social tendencies. While their positive potential as mass educators has to be harnessed for developmental purposes, their negative and harmful potential has to be curbed in public interest. On one hand, the law has to protect the freedom of media and on the other hand, it has to regulate the media so as to avoid possible abuse. This paper will deal with such interaction between law and mass media.

Course Content:

Unit I

Introduction to Mass media, Meaning, Evolution and types of Mass media (Press, Television, Radio, Films,), Patterns of ownership of Mass media, Prasar Bharati Act, 1990, Media Policy, Impact of Mass media on Society (Both visual and non-visual), Role of media in democracy.

Unit II

Media in the Constitutional framework: Evolution of Freedom of Press, Freedom of Press under Article 19(1)(a) of the Constitution of India, Restrictions on Freedom of Press, Films as part of Freedom of speech & expression, Constitutionality of Censorship of Media and Cinematograph Act, Commercial speech, Freedom to telecast under Article 19(1)(a) of the Constitution of India, Privileges of the Parliament and the State Assemblies and the Media, The Parliamentary Proceedings (Protection of Publication)Act,1977, Trial by media and the Judicial approach.

Unit III

Media and regulatory framework: Media and Criminal Law (Defamation, Obscenity, Blasphemy and Sedition), Press and Registration of Books Act, 1867, Working Journalists (Conditions of Service) Act, 1955, Press Council Act,1978, Press Trust of India, Media and Contempt of Court.

Unit IV

Advertisement and Law: Meaning of advertisement, Advertisement and Ethics, Advertisement Council of India, Law relating to advertisements in India, Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954, Comparative Advertisement and Competition Act, Issues of Consumer protection.

Unit V

The New Media and the regulation: Evolution of Internet as New Media, Information Technology Act, 2000, Regulation of social media, Liability of Internet Service Providers, Indian Telegraph Act, 1885, Cable Television Networks(Regulation) Act,1995, Sports

Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007, Spectrum allocation and the media, Laws regulating media in U.K. & U.S.A.

Select Bibliography:

1. D. D. Basu, *The Law of the Press*, 4th ed., (Nagpur: Wadhwa & Company, 2002).
2. Madhavi Gordia Divan, *Facets of Media Law*, 2nd Edn., (Lucknow, Eastern Book Company, 2013).
3. Rashmi Sharma, *Electronic Media: Issues and Innovations*, (New Delhi, Regal Publications, 2007).
4. Sara Hadwin & Duncan Bloy, *Law and the Media*, (London, Sweet and Maxwell, 2007).
5. Pooja Kataria, *Women and the Media*, (New Delhi, Regal Publications, 2007)
6. Umar Sama, *Law of Electronic Media*, (New Delhi, Deep and Deep Publications Pvt Ltd, 2007).
7. Ram Jethmalani & Chopra D.S., *Cases and Material on Media Law*, First edition, (New Delhi, Thomson Reuters, 2012).
8. Peter Carey and Peter Coles, Nick Armstrong and Duncan Lamont, *Media Law*, 4th ed. (London, Sweet and Maxwell, 2007).
9. P.Eric Louw, *The Media and Political Process*, 2nd ed, (Los Angeles, Sage Publications, 2010).
10. Judith Ridgway, *Handling the Media and Public Relations*, First Edition, (Infinity Books, 2005).
11. Andrew Nicol QC, Gavin Millar QC and Andrew Sharland, *Media Law and Human Rights*, 2nd ed, (Oxford University Press, 2009).
12. Bruce Michael Boys, *Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression*, 14 J.I.L.I. 501 (1972).
13. Rajeev Dhavan, *On the Law of the Press in India*, 26 J.I.L.I. 288 (1984).
14. Rajeev Dhavan, *Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission*, 26 J.I.L.I. 391 (1984).
15. Soli Sorabjee, *Law of Press Censorship in India*, (1976).
16. Justice E.S. Venkaramiah, *Freedom of Press: Some Recent Trends*, (1984).