

PAPER 14: SPECIALISATION PAPER 8:

MASS MEDIA LAW

Objectives:

Mass media such as press, radio and television, films, play a vital role in socialisation, culturalisation and modernisation 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 mass educators, they are also susceptible to destructive and harmful uses for promoting criminal anti-social and selfish escapist tendencies. While their positive potential as mass educators has to be harnessed for developmental purposes, their negative, harmful potential has to be curbed in public interest. Law plays a dual role vis-a-vis such media. On the one hand, it protects the creative freedom involved in them, on the other, it has to regulate them so as to avoid their possible abuse. This paper will deal with such interaction between law and mass media. The following syllabus prepared with this perspective will be spread over a period of one semester.

Course Outcomes:

On successful completion of the course the student will be able to -

1. understand the concept of Media, types and theories of mass media.
2. interpret the issues and analyse the principles laid down in the cases in the field of Media law.
3. evaluate the Constitutional framework impinging upon the fundamental rights to freedom of Speech and expression in India with special reference to freedom of the press and the fundamental right to privacy.
4. evaluate the latest developments in the field of media law.

Course content:

Unit I

Mass media - Types of – Press, Films, Radio, Television; Ownership patterns - Press - Private – Public; Ownership patterns - Films – Private; Ownership patterns - Radio & Television, Public; Difference between visual and non- Visual Media- impact on people's minds.

Unit II

Press - Freedom of Speech and Expression - Article 19 (1) (a): Includes Freedom of the Press; Laws of defamation, obscenity, blasphemy and sedition; the law relating to employees wages and service conditions; Price and Page Schedule Regulation; Newsprint Control Order; Advertisement - is it included within freedom of speech and expression? Press and the Monopolies and Restrictive Trade Practices Act.

Unit III

Films - How far included in freedom of speech and expression? Censorship of films – constitutionality; The Abbas Case; Difference between films and Press - why pre-censorship valid for films but not for the press? Censorship under the Cinematograph Act.

Unit IV

Radio and Television - Government monopoly; Why Government department? Should there be an autonomous corporation? Effect of television on people; Report of the Chanda Committee; Government policy: Commercial advertisement; Internal Scrutiny of serials, etc; Judicial Review of Doordarshan decisions: Freedom to telecast.

Unit V

Constitutional Restrictions; Radio and television subject to law of defamation and obscenity; Power to legislate - Article 246 read with the Seventh Schedule; Power to impose tax - licensing and license fee.

Select Bibliography:

1. M.P. Jain, Constitutional Law of India (1994) Wadhwa
2. H.M. Seervai, Constitutional Law of India (1991) Tripathi, Bombay
3. John B. Howard, "The Social Accountability of Public Enterprises" in Law and Community Controls in New Development Strategies (International Center for law in Development 1980)
4. Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression ". 14 J.I.L.I. 501 (1 972)
5. Rajeev Dhavan "On the Law of the Press in India" 26 J.I.L.I. 288 (1984)
6. Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission" 26 J.I.L.I. 391 (1984)
7. Soli Sorabjee, Law of Press Censorship in India (1976)
8. Justice E.S. Venkataramiah, Freedom of Press: Some Recent Trends (1984)
9. D D. Basu, The Law of Press of India (1980)
10. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute. (Constitutional Law I & II, Administrative Law and Public Interest litigation)