



## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA

**Semester: I**

**LL.M. (One Year Programme)**

**Paper Code: LM-113**

**Media Law**

**Credit - 04**

### **Introduction:**

Media Law provides a comprehensive understanding of the legal frameworks that safeguard freedom of speech, expression, and information. It enables individuals to navigate and protect their rights in the ever-evolving media landscape. Media Law also explores the legal implications arising from technological advancements, such as social media platforms, digital content distribution, and data privacy. This knowledge is essential for understanding the legal challenges and opportunities brought about by media innovation. Today the demand for a more comparative and socio-legal analysis of media law and policy has increased greatly. Geopolitics, technology, business developments and a more nuanced understanding of interrelationships between these forces have all contributed to resurgence in the field. One might, of course, argue that all research is in essence comparative, even if comparisons are merely drawn unconsciously; an exercise that seeks to define and focus on a singular entity can be said to be comparative (if by default) in its exclusion of other entities.

In modern times much has changed for newspaper editor writer or producer. Today's journalist or broadcaster must be aware of an ever-increasing amount of legislation and number of regulatory schemes, as well as a rapidly evolving succession of communication systems. Traditional print media now incorporates new forms of publication such as the Internet, news providers rely on videophones to relay instant images from the deserts of Afghanistan to the homes of digital viewers and broadcasters constantly reassess the methods of delivering their product to the public. Understanding the law is consequently vital to those working in the media at every level. Editors, journalists, and broadcasters talk to their lawyers daily about potentially contentious stories and programmes. Much of the daily news is concerned with events in the law

courts and Parliament and consideration must always be given to the laws of libel, reporting restrictions and official secrets. All written material and every television and radio programme must conform to the laws of copyright, rights clearance, and breach of confidence before publication or transmission, whatever the format. Of equal importance is the fact that new methods of communication have broken down long-standing international legal barriers. The modern journalist or broadcaster must confront the laws of countries other than their own, or run the risk of legal proceedings for libel, breach of copyright, contempt of court or invasion of privacy in another legal jurisdiction. Thus, the course will try to underpin various aspects of media and its relation with law. The Course will be theatrical in nature, whereby reliance is given to postmodern and feminist literature related to media and journalism.

#### **Course Objectives:**

1. To explain about the basic principles of Media Law, right of freedom of speech reasonable restrictions and to understand the theoretical propositions pertaining to media law.
2. To understand the nature of ethics and morality in journalism and to understand relation of media with technology and democracy.
3. To critically analyse the Constitutional and legislative framework regulating media and to learn about the history of freedom of press and its contribution.
4. To examine the role of free and independent media developing the democracy and to know the legitimization of media censorship through the lance of doctrine of balancing.

#### **Learning Outcomes:**

On the successful completion of course, students will be able to:

1. Determine, explain, and apply different principles and doctrines of media law;
2. Analyze, evaluate, and synthesize information from a wide variety of sources and experiences related to media;
3. Identify and analyze cultural, theoretical, and social factors impacting on media Jurisprudence;
4. Critically analyze the values and laws relating to media and their impact on society.

## **Module - I**

### **Introduction - Media and it's Different Forms**

- 1.1. Introduction to Media Law; Mass Media, Print and Electronic Media;
- 1.2. Role of Media: Conditioning and socialization of community, addressing socio-cultural diversity, Media and Identity (disability and media);
- 1.3. Media Ownership - Public and Private; Media and Political control;
- 1.4. Democracy and Media, Feminism and Media;
- 1.5. Globalization & Mass Media.

## **Module - II**

### **Freedom of Press: Constitutional Perspectives**

- 2.1. Freedom of Speech and Expression;
- 2.2. Freedom of Press: Constitutional Perspectives;
- 2.3. Power to legislate - Article 246 read with the Seventh Schedule;
- 2.4. Advertisement - Its inclusion within freedom of speech and expression;
- 2.5. Emergency and Press Censorship.

## **Module - III**

### **Media; Paid News and Privacy**

- 3.1. Historical Background of Village Administration in India;
- 3.2. Investigative Journalism & Sting operation;
- 3.3. Trial by Media vis-à-vis Fairness, Contempt of Court;
- 3.4. Privacy and Media;
- 3.5. Laws of defamation, obscenity, blasphemy and sedition;
- 3.6. Media Reporting and Hate Speech.

## **Module - IV**

### **Media Censorship and Social Reactions**

- 4.1. Censorship: Print and Electronic Media;
- 4.2. Social Media and Society;
- 4.3. Social Media and Technology;
- 4.4. Universality of social media and state regulation;
- 4.5. Social media as electoral stimulator; Ethical Journalism.

**Prescribed Legislations:**

1. The Cable Television Networks (Regulation) Act, 1995.
2. The Cinematograph Act, 1952.
3. The Constitution of India, 1950.
4. The Contempt of Court Act, 1971.
5. The India Press Act, 1930.
6. The Indian Telegraph Act, 1885.
7. The Information Technology (Intermediary Guidelines) Rules, 2011/2018.
8. The Monopolies and Restrictive Trade Practices Act, 1969.
9. The Prasar Bharti (Broadcasting Corporation of India) Act, 1990.
10. The Press and Registration of Books Act, 1867.
11. The Press Council Act, 1978.
12. The Press Law (Repeal and Amendment) Act, 1922.
13. The Representation of People Act, 1951.
14. The Telecom Regulatory Authority of India Act, 1997.
15. The Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.

**Reports and Consultation Papers:**

1. 200<sup>TH</sup> LAW COMMISSION OF INDIA REPORT ON TRIAL BY MEDIA (2006).
2. 31<sup>ST</sup> REPORT OF THE PARLIAMENTARY COMMITTEE ON SUBORDINATE LEGISLATION, (2012-13).
3. 47<sup>TH</sup> REPORT OF THE PARLIAMENTARY COMMITTEE ON INFORMATION TECHNOLOGY, (2013).
4. 52<sup>ND</sup> REPORT OF THE PARLIAMENTARY STANDING COMMITTEE ON INFORMATION TECHNOLOGY, (2013-14).
5. ADVISORY ON IMPLEMENTATION OF SECTION 66-A OF THE IT ACT, 2000, DEPARTMENT OF ELECTRONICS AND INFORMATION TECHNOLOGY, (2013).
6. IN COMMISSION CONSULTATION PAPER ON MEDIA LAW (2014)
7. REPORT ON PAID NEWS, PRESS COUNCIL OF INDIA, (2010).
8. TELECOM REGULATORY AUTHORITY OF INDIA REPORT (2009).
9. THE CHANDA COMMITTEE REPORT, (1966).

**Prescribed Books:**

1. D. D. Basu, LAW OF THE PRESS, (LexisNexis, 2016).
2. Duncan Bloy and Sara Hadwin, LAW AND THE MEDIA, (Sweet & Maxwell, 2011).
3. Sarah Oates, INTRODUCTION TO MEDIA AND POLITICS, (2008).
4. Sebastian Paul, ETHICS AND THE MEDIA, (LexisNexis, 2015).
5. Ram Jethmalani and D. S. Chopra, MEDIA LAW, (Thomson Reuters, 2014).
6. Wouter de Been *et. al.*, CROSSROADS IN NEW MEDIA, IDENTITY AND LAW, (Palgrave Macmillan, 2015).

**Prescribed Reference:**

1. Renee C. Allison and Thomas W. Newton, REPORTER'S HANDBOOK ON MEDIA LAW, (California News Papers Publishers, 1994).
2. Peter Carey, MEDIA LAW, (Sweet & Maxwell, 1996).
3. Wayne Overbeck, MAJOR PRINCIPLES OF MEDIA LAW, (Harcourt Brace 1991).
4. R. Hakemulder Jan, MEDIA ETHICS AND LAWS, (Anmol Publications 1998).
5. Monroe E. Price *et. al.*, ROUTLEDGE HANDBOOK OF MEDIA LAW, (Routledge, 2013).
6. Tom Crone, LAW AND THE MEDIA, (Focal Press, 4th ed., 2002).
7. Joseph Pearson, MICHAEL FOUCAULT, FEARLESS SPEECH, (Semiotext, 2001).

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