LL.B. III Term
LB-3031 – MEDIA LAW AND CENSORSHIP (INCL. SELF REGULATION)

Prescribed Readings:

1. Different forms of Media, History of Legislative Efforts (2 Lectures)
   1.1. Forms-Print media; Broadcast media; Social media
   1.2. Legislative efforts in India

2. Media, Free Speech and the Constitution
   2.1. Freedom of speech and expression under Article 19 (1) (a) and the Reasonable restrictions under Article 19 (2); Derivative rights - right to know, right to broadcast; Hate Speech (2 Lectures)
      2. *Prabha Dutt v. Union of India*, 1982 SCR (1) 1184
      4. *ABP Pvt Ltd. v. Union of India*, (2014) 3 SCC 327

   2.2. Privacy, defamation and the sting operations (7 Lectures)
Privacy: Define “privacy”; Differentiating between right to privacy of a public figure and private figure; is there an expectation of reasonable amount of privacy; Paparazzi; Publishing information obtained illegally; Right of Publicity


Defamation: Against public person; Publishing with knowledge of falsity or with reckless disregard for the truth; Right to Reply

7. Swatanter Kumar v. The Indian Express Ltd, 207 (2014) DLT 221

Sting Operations: Investigative Journalism; Leveson Report


Ref: Consultation Paper-cum-Questionnaire on Undercover Sting Operations, Law Commission of India

2.3. Right to Information (2 Lectures)
How far does public access to information go; Is there a right to gather news or attend meetings; Fairness doctrine and access to the media; Compelling journalist to disclose information related to crime and source

10. CPIO, Supreme Court of India v. Subhash Chandra Aggarwal, AIR 2010 Delhi 159

2.4. Trial by media and fair trial (2 Lectures)
Pre-trial publicity; Cameras in Courtroom; Restrictive Orders


3. Contempt of Court (4 Lectures)
Scandalising, vilification of institution of Court; Unverified reporting; Fair comment and criticism


Ref: Articles 129, 142 (2), 215; entry 77, List I, Seventh Schedule, Constitution of India

The Contempt of Court Act, 1971 (as amended)

Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, the Contempt of Courts (Amendment) Bill, 2004 (Twelfth Report)


4. **Media & Its Regulation (7 Lectures)**

   Regulation can occur at the Central, State, local or self-regulatory level

4.1. **Regulation of the print media**

   Ref: Press Council of India Act

   Resolution for a Media Council, Press Council of India, 2012

4.2. **Regulation of the Broadcasting sector (Public and Private)**


Consultation Paper on the Proposed Draft of the Broadcasting Services Regulation, MI&B,

Self Regulatory Measures-BCCC Guidelines on Self Regulation; BCCC Report to the MI&B; BCCC Orders and Advisories; NBSA Regulations; NBA Code of Ethics
4.3. Regulation of the Social Media

Sections 6, 7, 8 and other relevant provisions of Information Technology Act, 2001

Shreya Singhal v. Union of India, (whether it would be asserted again - a need of such power)

Ref: Section 66A, Information Technology Act of 2001;

- 52nd Report of the Parliamentary Standing Committee on Information Technology
- Convergence Bill; Regulatory commissions of new media; Indian Telegraph Act of 1885

5. Media, Advertisement & the Law (2 Lectures)

5.1. Commercial speech: Commercial Speech Doctrine and protection provided under Art 19(1) (a); Regulating what is false or misleading / may regulate even truthful advertising

5.2. Government advertisements and the media: broadcasting political messages

18. Ajay Goswami v. Union of India, AIR 2007 SC 493

Ref: Advertisement Act of 1954

Indecent Representation (Prohibition) Act, 1986
The Drugs and Magic Remedies (Objectionable) Advertisements Act of 1954

6. Media, Censorship and the Gag Orders (6 Lectures)

Pre- and Post Restraint; Cinema and censorship; Variable obscenity - differing standards for obscenity - adults/minors; Gag orders, print/broadcasting/social media; restraint on reporting of judicial proceedings; Reporting on Women/ Juveniles

20. Odyssey Communications Pvt Ltd. v Lokvidayan Sanghatana, 1988 SCR Supp. (1) 486


23. *Union of India v. Motion Picture Association*, AIR 1999 SC 2334


*Shreya Singhal v Union of India*, 24 March 2015

(whether it would be asserted again-need for such power)


Ref: The Dramatic Performances Act, 1876

Section 5D of the Cinematograph Act relating to the establishment and functioning of Film Certification Appellate Tribunal

Section 228 A, Indian Penal Code, 1860; Sections 4 and 7, Contempt of Courts Act

Section 151, Civil Procedure Code; Section 14, Official Secrets Act, 1923

Section 22, Hindu Marriage Act, 1955; Section 53, Indian Divorce Act, 1869

Section 33, Special Marriages Act, 1954; Section 33, Parsi Marriage and Divorce Act

7. **Reporting of Legislative Proceedings (1 Lecture)**

27. *Jatish Chandra v. Hari Sadhan*, AIR 1951 SC 613


Ref: Article 361 A, Constitution of India

Parliamentary Proceedings (Protection of Publication) Act, 1977
8. Media and other contemporary issues (5 Lectures)

8.1. Paid news

31. *Ashok Shankarrao Chavan v. Madhavrao Kinhalkar*,

(2014) 7 SCC 99


Report of the Committee on Electoral Reforms, MoL&J, 2010

47TH Report of the Parliamentary Standing Committee on Information Technology,

Issues Related to Paid News

8.2. Poll surveys

Ref: Guidelines on Pre-Poll and Exit Poll, PCI, 1996

8.3. Cross ownership: diversification of ownership

Ref: Recommendations on Issues relating to Media Ownership, TRAI, 12 August 2014

Recommendations on Cross Media Holdings, TRAI, 25 February 2009

TRAI Consultation Paper on Cross Media Ownership, 15 March 2013

Report of the Administrative Staff College of India, July, 2009 (MI&B)

8.4. Competition issues

8.5. Licensing issues; responsibility of licensee

8.6. Copyright issues

*The List of statutes and references are indicative of the scope of the subject.*