LL.B. III Term

LB-3031 – MEDIA LAW AND CENSORSHIP (INCL. SELF REGULATION)

Prescribed Readings:
Bloy, Duncan & Hadwin, Sara, Law and the Media, 2nd Ed., Sweet & Maxwell, 2013
Divan, Madhavi Goradia, Facets of Media Law, Eastern Book Company, 2010

1. Different forms of Media, Theories, History of Legislative Efforts (2 Lectures)
   1.1. Forms-Print media; Broadcast media; Social media
   1.2. Theories of media
   1.3. History of 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 receive information, right to advertise, right to broadcast; Hate Speech (2 Lectures)
      1. Bennett Coleman & Co. v. Union of India, AIR 1973 SC 106
      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”; right to privacy versus freedom of expression; Differentiating between right to privacy of a public figure and private figure; information in the public
domain; is there an expectation of reasonable amount of privacy; Paparazzi; Publishing information obtained illegally; Right of Publicity

6. Rajagopal v. State of Tamil Nadu, 1994 SCC (6) 632 44

Media and acts of 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 57

Sting Operations: Investigative Journalism; Leveson Report

8. R.K.Anand v. Registrar, Delhi High Court, (2009) 8 SCC 106 78

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 159 101

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

15. Sanjoy Narayan Editor-in-Chief Hindustan v. Hon. High Court of Allahabad through R.G., 2011 (9) SCALE 532 167

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
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


1989 SCR (2) 204


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


(Criminal Appeal No. 1149 of 2010)

*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
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.*
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Media Law and Censorship
(Incl. Self regulation)

Cases Selected and Edited by

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