

NIRMA UNIVERSITY

Institute:	Institute of Law
Name of Programme:	B.A..LL.B. (Hons.) and B.Com..LL.B. (Hons.)
Course Code:	2IE1038
Course Title:	Media and Entertainment Laws
Course Type:	Institute Elective
Year of Introduction	2022-23

L	T	Practical component				C
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Course Learning Outcomes (CLO)

At the end of the course the students will be able to:

1. Analyse the Constitutional objective of Freedom of Speech and Expression, and existing Rights and Restrictions governing the fourth estate.
2. Evaluate the role of media in context of democratic aspirations and social ordering.
3. Examine the interface of media and entertainment industry with different laws
4. Assess the regulatory framework of media and entertainment industry.
5. Integrate the role of media in contemporary times in context of media neutrality.
6. Appraise the emerging trends in entertainment industry.

Syllabus

Total Teaching Hours: 60

Unit: I	Role of Media - Democratic Aspiration and Social Ordering	05 Hours
	<ul style="list-style-type: none"> • Media as a Communicating Tool of Development • Media-Types – Press, films, Radio Television, Electronic Media, Social Media • Media and Democracy • History and Evolution of Media Laws in India 	
Unit II	Media and the Constitution	10 Hours
	<ul style="list-style-type: none"> • Freedom of the Press and its Development under Article 19(1) • Limitations on Freedom of Speech and Expression • Media and the Other Constitutional Estates: <ul style="list-style-type: none"> ○ Legislature: Breach of Privileges ○ Judiciary: Contempt of Court ○ Executive: Official Secrets Act, Central Civil Service Conduct Rules ○ Issues relating to reporting Legislature and Judiciary 	

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Unit III**Media and the Laws**

12 Hours

- Media & Criminal Law
 - Defamation
 - Sedition
 - Obscenity
 - Blasphemy
- Media and Civil wrongs
 - Defamation
 - Breach of privacy
 - Negligence
- Media & Copyright issues
- Right to Information Act 2005: New tool for Press Freedom
- Media and Journalists: Working Journalists Act and Press Council & Human Rights Act
- Media and Advertisement:
 - Basis of Advertisement: Constitutional Freedom of Commercial Speech
 - Drug and Magic Remedies (Objectionable Advertisements) Act and other Laws regulating Advertisements
 - Content of Advertisements: Civil and Criminal liability
 - Unfair Practices through Advertisements and Consumers Rights
 - Advertising Standards Council of India: A Private Regulatory
 - Misleading Advertisements: Need for New Law

Unit IV**Regulation of Media and its sectors**

10 Hours

- Films and Press:
 - Censorship of Films: Constitutionality
 - Censorship under the Cinematograph Act
 - Difference between Films and Press
 - Validity of pre-censorship for Films and Press
 - Indecent Representation of Women (Prohibition) Act and Young Persons (Harmful Publications) Act
- Broadcasting Sector: Radio and Televisions
 - Prasar Bharati & Anti-Competitive practices
 - Report of the Chanda Committee on Government Monopoly
 - Broadcasting Regulation Bill and Cable TV Network Regulation Act
 - Information Technology Act, 2000 and Broadcasting
 - Indian Broadcasting Foundation
- News Industry:
 - News Broadcasters Association (NBA)

- Code of Ethics and Broadcasting Standards (NBA Code)
- News Broadcasting Standards Regulations (NBSR)
- FDI in News sector
- Challenges of Regulation
- Self-Regulation of Media

Unit V Contemporary themes and issues in Media 08 Hours

- Sensationalism Journalism
- Yellow Journalism
- News as Business- Paid News and Fake News
- Trial by Media Vs Right of Fair Trial
- Sting Operations
- Page 3 Syndrome and Tabloid Journalism
- Media Neutrality in Contemporary context
- Media Ownership Patterns and threat to democracy
- Media and Sexuality
- Content Monitoring and Regulation in Social Media Platforms: Need and Limitation

Unit VI OTT Platforms and Content Regulation for OTT Platforms 05 Hours

- What is an Over-The-Top Application (OTT)?
- Do originals by OTT platforms fall within the definition of 'Film'?
- Whether online streaming amounts to 'exhibition'?
- How is OTT content rated?
- Compliances regarding audio-visual content on digital platform

Unit VII TRP in Entertainment Industry 05 Hours

- How are Television Rating Points (TRPs) measured?
- What are TRPs?
- Who measures TRPs?
- How are TRPs measured?- People Meters, Picture Matching, Audio Watermarking, Chips installed in set-top boxes
- TRP Frauds and Manipulations
- Impact of TRP on citizens: Right to information and consent manipulation

Unit VIII Entertainment Tax and Impact of GST on the sector 05 Hours

- What is entertainment tax?
- How is entertainment tax levied under GST regime?
- Movie Tickets
- Cricket Matches and Concerts
- Amusement Parks

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- DTH and Cable Services
- Additional Taxes by Municipalities

Self Study:

NA

Suggested Readings /
References:

- Divan, M. G. (2018). Facets of Media Law. Eastern Book Company.
- Kumra, S., Simpson, R., & Burke, R. J. 211.60954 Q1 C71700.
- Media Law and Indian Constitution, Kundra S. Anmol Publications Pvt. Ltd.
- Mehta, R. (1988). The Media Scene in India. Economic and Political Weekly, M31-M32.
- Verghese, B. G. (1977). The media in a free society: Proposals for restructuring. Economic and Political Weekly, 731-740.
- Constitutional Morality, Andre Betelle- Economic and Political Weekly
- KUMAR, A. P. (2016). Debating Contempt of Court. Economic and Political Weekly, 10-11.
- Contempt of Court: Need for a Second Look, Markandey Katju- The Hindu
- Dutta, M. S., & Kak, A. U. (2009). Contempt of Court: Finding the Limit. NUJS L. Rev., 2, 55.
- Sathe, S. P. (2002). Accountability of the Supreme Court: Arundhati Roy Case. Economic and Political Weekly, 1383-1384.
- Narrain, S. (2011). 'Disaffection' and the Law: The Chilling Effect of Sedition Laws in India. Economic and Political Weekly, 33-37.
- Punwani, J. (2010). The Trial of Binayak Sen. Economic and Political Weekly, 21-23.

Suggested Case List:

- K. A. Abbas vs The Union of India & Anr 1971 AIR 481
- Ashok Goswami Case
- Express Newspapers (Private) vs The Union Of India And Others AIR 1958 SC 578
- Bennett Coleman & Co. & Ors vs Union of India & Ors 1973 AIR 106
- Hamdard Dawakhana (WAKF) LalKuan, Delhi v. Union of India, [SCR 1960 (2) 671]