



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: B.A.,LL.B. (HONS.) FYIC

DETAILS OF COURSE OFFERED

EVEN SEMESTER (VIII) – ACADEMIC YEAR :

SL. NO	COURSE CODE	COURSE TITLE	L	T/P	CR	CH
1	BL803.6 (CONSTITUTIONAL LAW, OPTIONAL PAPER- II)	MEDIA AND HEALTH LAWS I	4 PER WEEK	1 PER WEEK	4	

- A. CODE AND TITLE OF THE COURSE: BL803.6 (CONSTITUTIONAL LAW, OPTIONAL LAW- II), MEDIA AND HEALTH LAWS I
- B. COURSE CREDIT: 4 (TOTAL MARKS 200)
- C. MEDIUM OF INSTRUCTION: ENGLISH
- D. COURSE COMPILED BY: SAHEB CHOWDHURY
- E. COURSE INSTRUCTOR: KANGKANA GOSWAMI

1. COURSE OBJECTIVES:

- i. Mass Media systems of the world vary from each other according to the economy, polity, religion and culture of different societies. In societies, which followed communism and totalitarianism, like the former USSR and China, there were limitations of what the media could say about the government. Almost everything that was said against the State was censored for fear of revolutions. On the other hand, in countries like USA, which have a Bourgeois Democracy, almost everything is allowed. Shifting our view to the Indian perspective and its system of Parliamentary Democracy, it is true that, the Press is free but subject to certain reasonable restrictions imposed by the Constitution of India. Before the impact of globalization was felt, the mass media was wholly controlled by the government, which let the media project only what the government wanted the public to see and in a way in which it wanted the public to see it. However, with the onset of globalization and privatization, the situation has undergone a humongous change.
- ii. The solemn object of this course related to 'Media Law' is to analyse the laws, rules and regulations governing mass-media in India and to provide students an opportunity to assess the same.
- iii. One of the prerequisites of a dignified life is good health. Health is an essential determinant factor in socioeconomic condition of an Individual. Further, socioeconomic factors also determine the health condition of Individuals. Poverty, marginalization and inequalities severely affect health of people. This further affects their capacity of enjoying other human rights. Therefore, health has been recognized as a Fundamental Right within the meaning of Right to Life under Article 21 of the Constitution read with various Directive Principles of States Policies in various decisions of the courts. Further, health has been recognised as a human right under various international Human Rights Laws. Therefore, this course has been designed to introduce interested students to Right to Health both within the domestic and international human rights framework.

- iv. The students are then also introduced to various health laws, legislations and the healthcare system in India. The students are then introduced Specific ethical issues within health like Euthanasia, Medical termination of Pregnancy etc. The course then concludes by introducing students to Competing theoretical positions in Medical Ethics and to the legal framework dealing with Medical ethics.

2. TEACHING METHODOLOGY:

The National Law University, Assam, apart from class instructions, also encourages students for self-learning. Students are expected to study not only the substantive laws written in books, but also study the various decided cases to understand the law in action. They are also provided conceptual and philosophical tools to develop critical and independent thinking capabilities. Following method shall be adopted to facilitate learning of this paper:

- Lecture and Instructions by Faculty
- Group Discussion
- Case study
- Presentation by the Students

3. EXPECTED OUTCOMES OF THE COURSE:

- i. On completion of this course, students are expected to understand the basic concepts and underlying ideas of each module and thereby they shall be in a position to understand the importance of media freedom, constitutional position of freedom of press and other means of media, regulatory frameworks for media in India etc.
- ii. Further, by learning this course, it is expected that the students would be immensely benefited in their individual life by well acquitting with the regulations limiting media as now days it has been witnessed that often media use to advent personal sphere of individuals.
- iii. Likewise, students can also avail the benefit of the course in their professional and social life through fighting for other fellow individual's right both outside and inside of the courtroom in relation to privacy invasion by media.

- iv. On successful completion of this course students will also have a thorough understanding of right to health under domestic and international Human Rights laws. Students will also have a detailed knowledge of the laws relating to health and healthcare systems in India including various legislations in this field. Further, they will be equipped with philosophical tools to deal with various specific ethical issues in health and be acquainted with various theoretical positions and legislative mechanisms with respect to medical ethics. A diligent student should, therefore, on completion of this course have an advantage in beginning a career within the domain of health laws to be able to then proceed into having expertise this field later in their lives.

4. COURSE EVALUATION METHOD

The Course shall be assessed out of 200 marks. The impetus is on Continuous Assessment. The Evaluation scheme is as follows:

Internal Assessment 70% (140 marks)

Semester End Examination 30% (60 marks)

Sl. No.	Marks Distribution	
1	Project Work	40 marks
2	Seminar/Group Discussion	20 marks
3	Assignment/Assessment	30 marks
4	Mid-Semester Test	40 marks
5	Attendance in class	10 marks
6	Semester End Examination	60 marks

5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)

MODULE I

Right to Health:

What is Right to Health?

Constitution and Right to Health in India.

Right to Health Under International Human Rights Laws.

MODULE II

Introduction to Health Laws and Healthcare system in India:

Specific Laws relating to Health: Indian Medical Council Act, 1956 (And Amendments), Indian Medical Council (professional conduct, etiquette and ethics Regulations) 2002, Indian Medical Degrees Act, Laws Relating to Drugs and Cosmetics, The Mental Healthcare Act, 2017, Rights of Persons with Disabilities Act, 2016, Rehabilitation Council of India, Consumer Protection Laws and Law, Health and Law of Torts, Health and Criminal Law, Health and Insurance, National Health Policy, 2017.

Rights and Duties of patients and Healthcare Providers.

MODULE III

History of Media & Media Law

1. Media – History, Theories and Evolution, Different forms of Media
2. History of Media Legislation – British experience, Media Legislation in U.S. Media Legislation in India
3. Media in the Constitutional Framework – Right to Freedom of Expression in, Interpretation of Media freedom, Issues of Privacy, Right to Information, Right to Publication, Right to Circulation, Right to Advertise, Right to Broadcast

MODULE IV

Media – Regulatory Framework I

1. Legal Dimensions of Media – Media & Criminal Law (Defamation / Obscenity/Sedition), Media & Tort Law (Defamation & Negligence), Media &

Legislature (Privileges of the Legislature), Media & Judiciary (Contempt of Court), Media & Executive (Official Secrets Act), Media & Journalists (Working Journalists Act & Press Council Act)

2. Self-Regulation & Other Issues – Media and Ethics, Self-Regulation vs Legal Regulation, Media & Human Rights, Airwaves and Government Control, Licensing

6. PRESCRIBED READINGS

1. DURGA DAS BASU, INTRODUCTION TO CONSTITUTION OF INDIA, Lexis Nexis, 2015.
2. H.M. SEERVAI, CONSTITUTIONAL LAW OF INDIA, Universal Law Publishing Co. Pvt. Ltd., 2015.
3. SAIRAM BHATT, HEALTHCARE IN INDIA: AN INTRODUCTION TO LAW AND LEGAL SYSTEM, Bloomsbury India 2016.
4. NORMAN DANIELS, JUST HEALTH: MEETING HEALTH NEEDS FAIRLY, Cambridge University Press, 2007.
5. PAUL FARMER & AMARTYA SEN, PATHOLOGIES OF POWER: HEALTH, HUMAN RIGHTS AND THE NEW WAR ON THE POOR, University of California Press 2004.
6. COLLEEN M. FLOOD & AEYAL GROSS, THE RIGHT TO HEALTH AT THE PUBLIC/PRIVATE DIVIDE: A GLOBAL COMPARATIVE STUDY, Cambridge University Press 2016.
7. MICHAEL GRODIN; DANIEL TARANTOLA; GEORGE ANNAS & SOFIA GRUSKIN, HEALTH AND HUMAN RIGHTS IN A CHANGING WORLD, Routledge, 3rd ed. 2013.
8. THERESE MURPHY, HEALTH AND HUMAN RIGHTS, UK Ed. Edition, Hart Publishing, 2013.
9. JOHN TOBIN, RIGHT TO HEALTH IN INTERNATIONAL LAW, Oxford University Press 2012.
10. JONATHAN WOLFF, THE HUMAN RIGHT TO HEALTH, W.W. Norton and Company 2013.
11. ALICIA ELY YAMIN, POWER, SUFFERING, AND THE STRUGGLE FOR DIGNITY: HUMAN RIGHTS FRAMEWORK FOR HEALTH AND WHY THEY MATTER, University of Pennsylvania Press, Reprint ed. 2016.
12. JOSE M. ZUNIGA; STEPHEN P. MARKS & LAWRENCE O. GROSTIN, ADVANCING THE HUMAN RIGHT TO HEALTH, Oxford University Press 2013.
13. Richard Baker & Vanessa Taylor, The Right to Health: A Right on the Rise, 2013.
14. David Bilchitz South Africa: Right to Health and Access to HIV/AIDS Drug Treatment, 2003.

15. Pavlos, Eleftheriadis, A Right to Health Care, 2012.
16. Paul Hunt, Interpreting the International Right to Health in a Human Rights Based Approach, 2016.
17. S. Hazarika et. al., Public health law in India: A framework for its application as a tool for social change, The National Medical Journal of India, 2009.

Statutory References:

Indian Medical Council Act, 1956
Indian Medical Council (professional conduct, etiquette and ethics Regulations) 2002
Indian Medical Degrees Act, 1916
Drugs and Cosmetics Act, 1940
The Drugs and Cosmetics Rules, 1945 (Amendments, 2005)
The Mental Healthcare Act, 2017
Rights of Persons with Disabilities Act, 2016
Rehabilitation Council of India Act, 1992 (Amendments, 2000)
Consumer Protection Act, 2019 (and 1986)
Indian Penal Code, 1860
Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994
Surrogacy (Regulation) Bill, 2019
Assisted Reproductive Technology Regulation Bill, 2020
The Medical Termination of Pregnancy Act, 1971
The Medical Termination of Pregnancy (Amendment) Bill, 2020
The Transplantation of Human Organs and Tissues Act, 1994 (Along with various rules)