Prologue

In the light of the Cricket Broadcasting Case, multiple voices were introduced in the electronic media in India. In spite of Doordarshan and All India Radio took the monopoly of broadcasting, plural voices from the private channels like Asianet, CNN, and Rupert Murdoch’s Star TV channels, Zee TV etc used to beam to India free of cost. By the media a new culture has been started. The hypothesis of this thesis is that how the multiple voices in the electronic media are to be regulated. This thesis is based upon doctrinal legal philosophy. In legal philosophy, a theoretical base must be used to describe ideas. In order to regulate the media an understanding of the theory in the media is needed.

The telegraph became a part of the history. The ITU an international body by United Nations has converted from International Telegraph Union to International Telecommunication Union. Basically it deals with the telecommunication services. World Intellectual Property Organisation and UNESCO are more related to radio, television, internet, IPTV (Internet Protocol Television), digital television, satellite Radio etc. At the same time in India the legal control over electronic media is based on the telegraph laws which are related to none of these.

At present The Telegraph Act and The Wireless Telegraph Act, the Telecom Regulatory Authority of India Act, the Prasarbarathi Act, The Doordarsan codes of Programme and Advertisements, The Cable Television Regulation Act and related Rules are acting as regulators. But each has its own defects.

In spite of the difference in the electronic media, as the public and private dichotomy, it is to be regulated in the interest of the general public. Though a significant size of the Indian economy is generated by the electronic media, the media is remaining uncontrolled. The electronic media pervades all the areas of life. But it is not properly regulated. In the absence of a specific code in the matter the people related to the electronic media are denied of rights and escaping the liabilities. The electronic media journalists, entertainers, advertisers, infotainers, sports people, politicians, technicians etc must be treated as a separate category.

Mainly all the works on the media by the government, is based on the bureaucratic creations. This is not acceptable for some private media persons. This thesis is to find out the alternative for the electronic media regulation in India.
Recently self regulation is proposed by the media as well as by the State. This is not fully viable. The government must have some control. At the same time the media must be given some freedom. As Justice Markandeya Katju has suggested a sui juries system of control in the form of Bar Council of India or Medical Council of India is required in matter.

Though several laws were made when the electronic media came to existence a comprehensive law covering the entire area relating to the electronic media has not been made yet. This thesis is an attempt to find out a comprehensive law in the area. At present the TRAI is looking after the affairs of the electronic media. But the Act says that it is concerned about the telecommunication only and not the electronic mass media like radio and television. At this juncture the private organizations are playing an important role. A new Bill is mandatory in this domain. At the end of this work a model Bill on Electronic Media Authority of India is given. Basically ‘email’ means eyes; the Electronic Media Authority of India should have watchful eyes up on the electronic media.

This thesis took the present shape by incessant work on the subject. In this matter my sincere gratitude is due to my Research Guide Dr. George Joseph of School of Indian Legal Thought, Mahatma Gandhi University for the efficient guidance to this thesis. Only for the reason that the guide has helped me in every stage this work has been completed and reached to a conclusion. The guide has sacrificed his valuable time and energy and time in finishing this thesis.

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