



Book Review

Media and Law with respect to Print, Broadcast and Online Journalism

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Duncan Bloy & Sara Hadwin, *Law and the Media*, Sweet & Maxwell, London, 2013. ISBN 978-93-81081-6

Law plays an important role in regulating the media. It is often reiterated that ignorance of law is not an excuse. In line with this thought, it is pertinent for students and practitioners of media law and journalism to gain an in-depth knowledge of the legal regime governing the media. This book will serve as an invaluable text for those studying media law, media studies and journalism. The expertise of the authors is reflected in the book as they cover a wide spectrum of topics, ranging from the right to freedom of expression, defamation, contempt, privacy, confidentiality, journalist's sources to reporting restrictions and media regulations. The authors aim at educating the readers, not only about the various areas of media law but also enable them to understand and recognise the implications of media law on print and broadcast journalism. It offers a practical guidance on how journalists can work without getting into legal tangles. Each chapter of this book aims at capturing not just the present trends in Media law but also

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aims at highlighting the continuing debate and conflicts between law and journalism. The methodology adopted by the authors in writing the book is unique, as each chapter commences with Duncan Bloy discussing the major legal principles in Part I and concludes with Sara Hadwin providing a practical journalistic perspective, in Part II. Another highlight of the book is that it contains a summary at the end of every chapter. This enables the readers to get the required conceptual clarity and also helps them to quickly recapitulate the important points.

The book is divided into eight chapters and opens with an introduction to the English and the Welsh legal system - both Civil and Criminal. A brief introduction to the working of tribunals is also dealt with as journalists may be exposed to reporting the proceedings of the tribunals.

The second chapter focuses on Freedom of Expression. It is recognized as a fundamental right in most of the countries of the world. Freedom of the Press is included within the ambit of the right to freedom of expression. One has to weigh the freedom of expression against the specific rights of others, most importantly the right to privacy and to fair trial. This balancing act lies at the heart of media law. It is the core responsibility of journalists to uphold the right to freedom of expression. Understanding the principles at stake and the legal regime are vital to a journalist in order to uphold the citizen's right to know. Freedom of expression endeavours to describe and comment upon the legal boundaries within which the Press has to operate. The authors have made an earnest effort to discuss this important area of media law with the help of important legislations, especially the practical side of the working of the Human Rights Act, 1998, case laws and judicial comments in order to render clarity to the readers. The third chapter is on another important topic, defamation. While reporting, journalists are always exposed to the risk of being sued for defamation. The general legal principles of defamation help the journalists to make informed choices about what to publish with minimal risk of defamation action being initiated against them. The authors have also discussed the defenses available to the aggrieved party and move on to explain the concept with the help of defamation case studies. A brief note on the defamation bill has been included in order to update the readers about the changing trends, as one needs to know the law, not only as it stands today, but must also be abreast with the new bills, legislations, and amendments.

The next chapter is on Contempt of Court which is one of the most important topic which has a bearing on journalists. As rightly pointed out by the authors that it is necessary to deter the media from publishing anything that, “creates a substantial risk that the course of justice in the proceedings in question will be seriously impeded or prejudiced.” The authors have discussed the important provisions of the Contempt of Court Act, 1981 with case studies to substantiate the same.

Right to Privacy is discussed in chapter five of the book. An area which is gathering momentum today is the issue of balancing the right to privacy vis-à-vis the freedom of expression. This aspect is addressed by the authors in the chapter on Privacy and Confidentiality. While reporting news, journalists have to be cautious and they may be prevented from revealing any private information unless they can establish either that the information is already in the public domain or that there is a larger public interest involved in revealing it. In addition to discussing case studies the authors have made an effort to prepare a Privacy check list in a question form the answers to which are intended to aid a journalist to meet the legal challenges arising out of ‘misuse’ of private information.

Chapter six highlights the important Journalists’ sources. The Law on Sources is an interesting area which is discussed in the next chapter of the book. Journalists are under a moral obligation to protect confidential sources of information. The author discusses the practical applicability of various legislations which restrain journalistic inquiry like the Official Secrets Act,1989; Copyright, Designs and Patents Act,1988; Regulation of Investigatory Powers Act, 2000 and 2002, and the Counter Terrorism Act, 2008 with the help of case studies. Freedom of Information Act, 2000 has also been discussed in brief as it helps counter such restraints.

Reporting Restrictions are discussed in chapter seven of the book. In order to throw light upon the restrictions imposed on journalists while reporting court proceedings the authors have made an attempt to explain the same under heads like the Children and Family Proceedings and Reporting of Criminal Courts. Many legislations like the Administration of Justice Act, 1960; and Children Act,1989 have also been touched upon to help understand the concept.

Media Regulation is an important area of study and research for students of media law, legal practitioners and journalists amongst others which is discussed in chapter eight of the book. This area has been examined in the book with an explanation on the regulatory bodies governing the media, ranging from the Office of Communication established under the

Communications Act, 2003; Press Complaints Commission which is a self-regulating body covering the print industry; to reader's editor. The chapter also focuses on the BBC Editorial Guidelines and individual ethical codes.

The authors conclude with a chapter on the future of media law. They are of the opinion that the human rights are fundamental but upholding them is a messy business. They further raise concerns regarding journalist's right to freedom of expression in the context of an individual's right to privacy, reputation and fair trial. The authors echo the need to strike a balance between these and conclude by observing that it is an ongoing debate which affects all journalists and they offer their opinion that it is necessary for them to join an argument on where the line must be drawn.

Though the book does not cover various other facets of media law like obscenity and pornography, censorship, media ethics, hate speech etc., it is nonetheless a valuable reference source to the media law students, journalists, legal practitioners and academia amongst others, interested in the area as the authors have adopted a two-pronged approach to discuss the theoretical foundation as well as a practitioner's perspective on the topics dealt with therein.