

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **CAL-II: Media and Telecommunications Laws**
Semester-I (Batch: 2013-14)

End Term LL.M. Examination: November-2013

Date: 20th November, 2013

Duration: 3 hours

Max. Marks: 70

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

Marks

Part-A

Attempt any two questions from Q.1 to Q.3. Q.4 is compulsory.

- Q.1 'A few months ago, the film *Aarakshan* joined a long list of films whose screenings were sought to be curtailed by the state instrumentalities, because the social aspects depicted by them were seemingly understood as being bold or uncomfortable to the interests of certain sections of society. This once again raises the question whether India has truly come of age, or whether the freedom to express oneself is subservient to the subjective satisfaction of the state.' Elucidate the statement in light of laws relating to film censorship in India with recent case laws. (15)
- Q.2 (a) Prabhat Kiran was a printer, publisher and editor of a weekly journal in English called "Cross Road" printed and published in Bombay. The Government of Madras, in exercise of their powers under Section 9(1-A) of the Maintenance of Public Order Act, 1949, issued an order prohibiting the entry into or the circulation of the journal in that State. The petition was filed under Art. 32 of the Constitution by the petitioner against the order of Government of Madras imposing a ban upon the entry and circulation of the petitioner's weekly journal Crossroads. Decide the issue in light of recent judgments. (7.5+7.5=15)
- (b) Can the government impose prior- restraint on publication of defamatory material against its officials? Discuss the authority of government in light of historic judgment in *R. Rajagopal v. State of Tamilnadu* (1994) 6 SCC 632.
- Q.3 In *Hamdard Dawakhana v. Union of India* AIR 1960 SC 554 it was held that, Commercial Speech occupies a lesser status than political speech when it comes to being accorded constitutional protection. Throw light on the judgment and discuss the position of Commercial Advertisement in India. Is it a part of freedom of speech and expression? (15)
- Q.4 Write short notes on any one: (Compulsory) (05)
- (a) Right to Privacy
- (b) Media Trail

Part-B

Answer any 2 from Q.5 to Q.8. Q.9 is compulsory.

- Q.5 With the help of the case laws critically evaluate the interface between the Judiciary and the Media with respect to Contempt of Court in India. Do you think that there is a need of *The Contempt of Courts Act 1971* in an open democracy? (15)
- Q.6 Critically analyse the impact of “ownership and cross ownership pattern” in Media. (15)
- Q.7 With the help of case laws, bring out the differences between the freedom of speech, enjoyed by the citizens, under Art 19(1)(a) and the freedom of speech, enjoyed by the parliamentarians, under Art 105. In light of the recent Judgment in *Lilly Thomas vs Union of India 2013*, do you agree with the decision of the Supreme Court of India in *P V Narasimha rao vs State (CBI/SPE) 1998 SC* to extend the *parliamentary privilege* to the MP's involved in corrupt practices within the premises of the parliament? (15)
- Q.8 With the help of case laws, elucidate on the various tests laid down by the Supreme Court of India in determining the reasonableness of the restriction under Part III of the Constitution of India. (15)
- Q.9 Short Note on any one: (Compulsory) (1x5=05)
1. Role of TDSAT
 2. Right to Information Act 2005
