

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **Media and Telecommunication Law**
Semester-I (Batch: 2015-16)

LL.M. End Semester Examination: Oct-Nov. 2015

Date: 9th November, 2015

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.

Part-A	Marks
Q.1 “Democracy is based essentially on free debate and open discussion, for that it is the only corrective of Government action in a democratic set up. If democracy means Government of the people, by the people, it is obvious that every citizen must be entitled to participate in the democratic process and in order to enable him to intelligently exercise his right of making choice, free and general discussion of public matters is absolutely essential” - Justice Bhagwati. How the films are treated differently from the Press so far as pre-censorship or censorship is concerned within the purview of Cinematograph Act, 1952? Discuss.	(10)
Q.2 In the last few years advertising has become serious and big business. The advertising business is growing at a considerable rate. In view of controlling the content of advertising discuss the basic object & organizational structure of the Advertising Standards Council of India (“ASCI”), a non statutory tribunal which was formed on the lines of best practices in the field of self regulation in advertising.	(08)
Q.3 How should the court deal with a case when a contemnor does not show any repentance or remorse but persistently and consistently tried to justify the prima facie contemptuous action and to frustrate the Contempt Proceedings ?	(07)
Q.4 In view of preserving the freedom of the press and of maintaining and improving the standards of press in India, discuss the power and functions of Press Council of India under the Press Council Act, 1978.	(05)
Q.5 “Lack of transparency was one of the main causes for all pervading corruption and Right to Information would lead to openness, accountability and integrity” - Soli Sorabjee. In view of above statement discuss the Constitutional aspect of Right to information.	(05)

Part-B

Q.9 is compulsory and answer any two questions from Q.6 to Q.8

- Q.6 (a) Civil defamation is dealt under the law of torts whereas criminal defamation is an (7.5+7.5)

offence under Section 499 of the Indian Penal Code. A journalist has no special status under defamation laws in India. Although the press enjoys the freedom of speech and expression under Art. 19(1)(a) of the Constitution, defamation is a ground for a reasonable restriction to this freedom under Art. 19(2). =15)

In the light of the above statement, discuss the nature and scope of defamation under civil law and criminal law. Do you think that there should be modifications in the law of civil and criminal defamation as it applies to journalists? If so, what should these modifications be?

- (b) Discuss the various facets of freedom of speech and expression under Article 19 (1)(a) of the Indian Constitution with relevant case laws.

Q.7 (a) What are the conditions of service applicable to Working Journalists according to the provisions laid down in Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955? (7.5+7.5 =15)

- (b) Are the commercial advertisements covered under the freedom of speech and expression? Discuss the nature of commercial advertisements with the help of the decided cases.

Q.8 Discuss the development of law of obscenity in India and its relevance to media laws with the help of relevant case laws. (15)

Q.9 Write short note on **any one** of the following: (05)

- (a) Media Trial
(b) Privacy and Media
