

**NALSAR PROXIMATE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD
P.G.DIPLOMA IN MEDIA LAWS**

2013 - 2014

PAPER II- MEDIA - REGULATORY FRAMEWORK

Time: 2 ½ hours.

TOTAL MARKS: 90

INSTRUCTIONS TO CANDIDATES

- 1. The questions to be interpreted as given and no clarification can be sought from the invigilator.**
- 2. No printed or handwritten materials will be allowed in the hall.**
- 3. All questions carry equal marks (15 each).**
- 4. Answer any six questions, only the first six questions will be marked.**
- 5. Answers without Question numbers will not be marked.**
- 6. Short notes not to exceed 75 words, Long answers not to exceed 250 words.**
- 7. Imaginary case laws used in the answer will result in striking of the answers in total.**

ANSWER ANY SIX OF THE FOLLOWING QUESTIONS ONLY

1. The Supreme Court ordered the public limited company, Real Dreams, to give a proposal to the Reserve Bank of India for refunding to its country wide investors their deposits with interest, after having its real estate properties evaluated by the Bank. The proposal would be considered by the court at the next hearing. Three days before the hearing the news channel, Economic Intelligence, broadcasts the name of the valuer who did the valuation of the company's properties for the RBI, the valuation figures and the proposal of repayment to the investors. The company and RBI move applications before the Supreme Court praying that the news channel be punished for contempt of court and that guidelines be laid down for reporting of sub judice matters by the media. Discuss in the light of Art.19 (1) (a) and the Contempt of Courts Act, 1971?
2. What kind of sanctions and directions can the Board of Film Certification give under the Cinematographic Act, 1952?
3. Are advertisements constitutionally protected free speech? Answer in the light of the Supreme Court's decisions in Hamdard Dawakhana vs Union of India, A'60SC554 and Tata Press Ltd. vs M.T.N.L (1995) 5 SCC 139?
4. The Supreme Court dismissed the appeal of Himmatwala, an Indian citizen, against the High Court's confirmation of the death sentence awarded to him by the district Sessions Court for the several murders and disappearances caused by him to run his worldwide business of narcotics, supply of defence equipment and money laundering. While in the prison, awaiting a decision on his mercy petition, he wrote

an autobiography, based on public records in his possession, exposing key Ministers, bureaucrats, police officers, defence personnel and bankers. He passed on this book to his wife, during one of her jail visits, with instructions in writing for publication of the book. Leading media channel, INNOCENCE, having a TV network, newspapers and magazines, announced the dates of exhibiting and printing serials of Himmatwala's autobiography. The Union Ministry of Information & Broadcasting issued an order to the owners of INNOCENCE, directing it not to publish in any manner the 'alleged' autobiography, till the Commission of Inquiry headed by a retired Supreme Court judge found out the autobiography's authenticity and as to how it could be written in and smuggled out of the jail in violation of Prison Rules. The owners of INNOCENCE along with their editors approached the Supreme Court under Art. 19(1) (a), Constitution of India, for quashing the Union Government's order. Discuss in the light of the law on prior restraint?

5. Live News Television commenced a late evening prime time "Special Bulletin" ---- "Corruption at the Top", on the basis of transcripts of the telephone conversations tapped by various officials of the Union Government. In order to boost the declining circulation of LIVE NEWS, its print daily, it started publishing every morning, an advance pre-view of its TV "Special Bulletin" for the same evening. Discuss the constitutionality of the information obtained by LIVE NEWS based on telephone tapping, in the context of the Supreme Court judgment in People's Union for Civil Liberties(PUCL) vs Union of India A'97 SC568?
6. What is the procedure under the Press Council Act, 1978 for a remedy against wrong reporting in the print media? Can the Press Council grant any effective remedy against such reporting?
7. The political party Dravida Kazaghham passed inter alia the following resolution at its annual conference: "It should not be made an offence for a person's wife to desire another man." The leading newspaper HINDU reported it as follows: "The Conference passed a resolution requesting the Government to take suitable steps to see that coveting another man's wife is not made an offence under the Indian Penal Code." Several political parties filed complaints under Sections 499,500 and 501 IPC against the HINDU, seeking criminal defamation proceedings on the ground that the report cast imputations against the character of Tamil-speaking women as a class of persons. No individual woman filed a complaint. Discuss the validity of the complaints under the relevant Cr.PC and IPC provisions relating to defamation, keeping in mind the Supreme Court judgment in S. Khushboo vs Kanniammal A'2010 SC3196?
8. Write short notes on any two:
 - a. Right to know antecedents of a candidate standing for elections.
 - b. Exemption to certain organizations under S.24 of the Right to Information Act, 2005 and extent of the exemption.
 - c. Protection for publishing or transmitting of material depicting children, in any electronic form, under the Information Technology Act, 2000.