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**Presidency University**

**Bengaluru**

 **SCHOOL OF LAW**

**SUMMER TERM END TERM EXAMINATION, AUGUST 2024**

**Summer Term** :2023-24

**Course Code**: LAW403

**Course Name**: MEDIA LAW

**Program & Sem**: VIII SEM

**Date**: 07-08-2024

**Time**: 9:30AM -12:30 PM

**Max Marks**: 100

**Weightage**: %

 **Instructions:**

1. *Read the all questions carefully and answer accordingly.*
2. *Do not write any matter on the question paper other than roll number.*
3. *x*

**Part A**

**Answer any 4 questions out of six. Each question carries 5 marks. (4Qx 5M= 20M)**

1. Write in brief the provisions of Digital Data Protection Act, 2023..
2. Is Trial by Media a boon or a bane? Comment.
3. Write a note on 'proportionality test'.
4. Examine the concept of "Hate Speech".
5. Write a short note on libel and Slander.
6. What is right to be forgotten?

**Part B**

**Answer any four questions out of six. Each question carries 10 marks. (4Q\*10M=40M)**

1. “Films must be judged according to the contemporary standards of the country.” What is the test applied by the courts in deciding the question of obscenity?
2. Elucidate the historical development on press regulation in India. Which was the most liberal press legislation of British India and why?
3. Examine the right to broadcast as a facet of freedom of press in the light of the LIC v Manubhai D Shah case.
4. What do you understand by 'qualified privileges'? Discuss the background of the 'qualified privileges' of the Press as contained under the Parliamentary Proceedings (Protection of Publication) Act, 1977.
5. Enumerate the evolution of law on privacy in India with the help of landmark judicial pronouncements. Also draw reference of Right to Privacy with Media in the present contemporary era.
6. Enumerate the decision in M.S.M. Sharma V. Shri Krishna Sinha, with respect to the Freedom of Speech and expression of a citizen vis-a-vis the constitutional privilege of a member of a legislative assembly in reference to freedom of press.

**Part C**

**Answer any two questions out of three. Each question carries 20 marks. (2Q\*20M=40M)**

1. Ms. Diksha Raj, the complainant/petitioner was stalked online and a fake social media account was created in her name. Additionally, she alleged that obscene messages were sent to her friends, online, by the culprit with an intention to defame her. The accused, Mr. Rahbahadur, was arrested and charged with defamation. Apply the relevant provisions of law to prove whether the accused in the above mentioned case can be made liable for Defamation or not. Support your answer with relevant case laws.
2. Mr. ‘S’ is a well-known documentary director in India and has directed international as well as award-winning national documentaries about socially relevant issues for three decades. A documentary produced by him dealt with the journey of peace activism in the face of global militarism and war and had been filmed over a period of three years in different countries including India, Pakistan, Japan and the United States. The film was screened at an international film festival in February 2002 and awarded the Best Film/Video Award as well as the International Jury Award. For public exhibition of the film, it was submitted for certification as required by the law to the Central Board of Film Certification. The board recommended six cuts for issuing the ‘Universal’ certificate to the film. On Mr. S’s objection a Revising Committee was appointed but instead of reducing the cuts it recommended fifteen more deletions. Mr. ‘S’ then appealed to the FCAT which viewed the film and issued a ‘Universal’ certificate subject to two cuts in the film and one addition. The first deletion concerned demonstrators shouting slogans against the nuclear bombs being tested by India and Pakistan. The second deletion is a statement by a Dalit leader decrying the fact that the atomic device set off by India exploded on Buddha’s birthday, Buddha being a lover of peace. The addition related to videotapes of a sting operation exposing corruption in the government and the armed forces, popularly known as the ‘Tehelka’ tapes. The FCAT wanted it to be stated that the tapes were under scrutiny of a Judicial Commission. Aggrieved by the FCAT’s decision on all counts, Mr. ’S’ filed a petition in the High Court challenging the Order. Argue on behalf of Mr. ‘S’ with the help of relevant provisions and cases.
3. ‘A’, sent an allegedly defamatory letter in an enclosed envelope through post to his wife ‘B’. The letter was defamatory of her and there was an implication in the letter that their children were illegitimate. The letter was taken out of the envelope and read by a butler in breach of his duties and out of curiosity. ‘B’ claimed that there was publication of the defamatory statement to the third party, the butler. At trial, the claim was dismissed on the basis that there was no evidence of publication of the libelous information. ‘B’ goes on an appeal. Argue on behalf of ‘B’ with relevant cases and provisions of the law and distinguish between ‘libel’ and ‘slander.’