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PRESIDENCY UNIVERSITY BENGALURU

**SET A**

SCHOOL OF LAW

**END TERM EXAMINATION – MAY / JUNE 2024**

**Semester :** Semester VIII - 2020

**Course Code :** LAW403

**Course Name :** Media and Law

**Program :** BA LLB Honors

**Date :** June 21, 2024

**Time :** 01.00pm to 04.00pm

**Max Marks :** 100

**Weightage :** 50%

**Instructions:**

1. *Read all questions carefully and answer accordingly.*
2. *Question paper consists of 3 parts.*
3. *Scientific and non-programmable calculator are permitted.*
4. *Do not write any information on the question paper other than Roll Number.*

**PART A**

**ANSWER ANY FOUR QUESTIONS 4Q X 5M = 20 MARKS**

* 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?

(CO2) [Knowledge]

* 1. Discuss the defenses available in the case of criminal defamation under the Indian Penal Code.

(CO1) [Knowledge]

* 1. Write in brief the provisions of Digital Data Protection Act, 2023.

(CO2,CO3) [Knowledge]

* 1. Will the banning of exit polls be violative of people’s right to know under Article 19 (1) (a)? Discuss.

(CO1) [Knowledge]

* 1. Write an explanatory note on media ethics with the help of examples.

(CO2) [Knowledge]

* 1. Discuss 'Trial by Media' highlighting the recommendations of the Law Commission of India.

(CO1) [Knowledge]

**PART B**

**ANSWER ANY FOUR QUESTIONS 4Q X 10M = 40 MARKS**

* 1. What do you understand by 'qualified privileges'? Articulate the background of the 'qualified privileges' of the Press as contained under the Parliamentary Proceedings (Protection of Publication) Act, 1977.

(CO3) [Application]

* 1. 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-à-vis the constitutional privilege of a member of a legislative assembly, in reference to freedom of the press.

(CO3) [Application]

* 1. Analyze the different tests to determine obscenity in India and their implementation by the Indian Judiciary.

(CO3) [Application]

* 1. ‘Publication of autobiography of condemned prisoner based on public records is part of Freedom of press and is permissible’ – Critically examine the statement with reference to Rajagopal v. State of Tamil Nadu (1994).

(CO3) [Application]

* 1. Illustrate the recommendations of Law Commission of India on Hate Speech and highlight the provisions in various statutes that assist in regulating Hate propaganda.

(CO4) [Application]

* 1. Examine what publication amount to contempt of Court? What is the object of prohibiting of publication of contemptuous statement against the court?

(CO4) [Application]

**PART C**

**ANSWER ANY TWO QUESTIONS 2Q X 20M = 40 MARKS**

* 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 the intention of defaming her. The accused, Mr. Rahbahadur, was arrested and charged with defamation. Apply the relevant provisions of the 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.

(CO4) [Analysis]

* 1. Analyze the cross border jurisdictional issues with respect to the Internet? Briefly state the liability of intermediaries under the Information Technology Act 2000, in India.

(CO4) [Analysis]

* 1. George was arrested, placed under detention as per the Maintenance of Internal Security Act 1971, and kept in jail. Another lade detenue, Rose, was reportedly conceived, and her pregnancy was terminated. In-house inquiry substantiated the illicit relations among detenues, both male and female who were supposed to be kept in separate cells but kept in the same cells. A tabloid newspaper published this sensational story with the names of a man and a lady and their relationship in jail. George filed a criminal defamation complaint. In the context of the above facts, answer the questions below with reference to case law:
     1. The newspaper pleaded that jail authorities and the government refused to furnish a copy of the inquiry report, which could have proved that the allegation was true, which is a defence available to the news weekly. Is this plea tenable?
     2. Is there any public interest in it? Do you think the newspaper defamed the lady? Which of the exceptions are helpful to the newspaper in this case?

(CO5) [Analysis]