

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

One-Year Advanced Diploma in Media Laws (2021-2022)

Take Home - Annual Examination (June, 2022)

Paper 1.1. Media, Ethics and the Constitution

Total Marks: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions for Take Home Examination carefully and adhere to the same.
- b) Please mention your Name, ID No., Subject Name and total number of pages on the Answer Sheet.
- c) Clearly indicate the question numbers while answering them.
- d) **This paper consists of four questions, each carrying 25 marks.**
- e) **Each answer should not exceed 800 words. Exceeding the word limit will be penalised.**
- f) Since this is a 'Take Home Examination', we expect your answers to have an analytical character rather than merely repeating facts or mechanically citing extracts from the reading material.
- g) Copying from any external source, whether in print or on the internet, or copying from other students is strictly prohibited. Plagiarism is considered as serious academic misconduct and will lead to marking down of answers or even the non-evaluation of answers if there is substantial copying.
- h) All the candidates are required to submit only word / Pdf files containing the typed answers.

Q.1. In your understanding, what are the principled reasons for protecting the 'freedom of speech and expression' in a modern society? Why is it important to codify or safeguard this freedom in a constitutional scheme? Can this freedom be effectively protected by the courts, even without its invocation in a constitutional text? What is the relationship between the 'freedom of speech and expression' and other personal freedoms mentioned in the Constitution of India?

(25 marks, 700-800 words)

Q.2. If we look at the original language of Article 19(2) of the Constitution of India, the grounds for placing reasonable restrictions on the 'freedom of speech and expression' did not include the phrase 'public order'. Why was this phrase inserted into Article 19(2) by the First Amendment to the Constitution, which was passed in 1951? Discuss the relevant facts and implications of two important judicial decisions which forced the Central Government to make such a change soon after the enactment of the Constitution of India. In the long-run, how has the inclusion of the phrase 'public order' shaped our attitudes towards the freedom of speech?

(25 marks, 700-800 words)

Q.3. There is a continuous tension between the freedom of the press and the right to privacy. This tension is frequently highlighted in matters involving intrusive reporting about the private matters of public figures, especially celebrities such as career politicians, actors, singers, models, sportspersons and religious leaders to name a few. Do you think that the provisions of the Indian Constitution strike the right balance between press freedoms and the need to protect the private lives of citizens who are otherwise well-known for their work? How would you reflect on the concrete example of celebrity couples who have asked reporters not to publish pictures of their children? If news organisations do go ahead and publish such unwarranted pictures of minors, what are the legal remedies available to the celebrities who are adversely affected by such acts of publication?

(25 marks, 700-800 words)

Q.4. It is often remarked that the constitutional provisions dealing with legislative privileges pose a threat to journalistic freedoms. In fact, the judicial interpretation of parliamentary privileges under Article 105 and those of State Legislatures under Article 194 has been quite inconsistent and often creates uncertainty in the minds of journalists who are reporting on legislative business. Based on your understanding of the significant judicial decisions on this issue, sketch out a pathway for ensuring that legislative privileges are not misused to punish news organisations that are simply trying to describe governmental functions for the benefit of the larger public. Is it feasible to have a codified list of legislative privileges so that they are not abused in the future?

(25 marks, 700-800 words)
