

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

**Advanced Diploma in Media Laws
P.G. Diploma in Media Laws**

Academic Year: 2022-2023

Annual Examination (June, 2023)

Paper I – 1.1. Media, Ethics and the Constitution

Duration of the Examination : 3 hours

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions carefully and adhere to the same.
 - b) Please mention your DDE ID No., date of the exam, name of the programme & subject on the Answer Sheet and the Additional Answer Sheets, if any.
 - c) The questions to be interpreted as given and no clarification can be sought from the Invigilator.
 - d) Clearly indicate the question numbers while answering them. Answers without question numbers / wrong question numbers will not be evaluated.
 - e) Write the answers clearly and neatly. Answers in illegible handwriting will not be taken into consideration.
 - f) This paper consists of four questions, each carrying 25 marks. Each answer can be in the range of 400-500 words.
 - g) This is an open-book exam, implying that candidates can carry the prescribed reading materials as well as their own notes into the Examination Hall. Answers should have an analytical character rather than merely repeating facts or mechanically citing extracts from the reading material.
 - h) Candidates are prohibited to carry phones or any other electronic devices etc. in the Examination Hall.
 - i) Copying is strictly prohibited and is considered as a serious academic mis-conduct and the University will take action as it deems fit.
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Q.1. Briefly sketch the discussions that took place in the Constituent Assembly (1946-1949) with regard to the inclusion of the freedom of speech among the enumerated fundamental rights in the Constitution of India. In hindsight, would it have been better if the 'freedom of press' had also been explicitly enumerated as a basis for curtailing the exercise of governmental power? How would you draft such a clause in the present context?

(25 marks, 400-500 words)

Q.2. The phrase 'public order' was added into Article 19(2) by way of the First Amendment passed in 1951. Briefly discuss the judicial developments that led to the addition of this phrase among the grounds that can be invoked to place reasonable restrictions on the exercise of speech and expression. In your view, what are the main interpretive difficulties posed by the use of phrases such as 'public order', especially when it leads to the curtailment of press freedoms?

(25 marks, 400-500 words)

Q.3. With the rapid growth of the digital medium, many of the older judicial decisions that were made in the context of print and broadcast media seem to be losing their relevance. For example, litigation about sports broadcasting rights in the 1990s had concentrated on the question of whether a public broadcaster such as Doordarshan needs to pay license fees to the private firms that acquire broadcasting rights for significant sporting events through a competitive bidding process. However, with the subsequent expansion of cable television services and online streaming services in recent years, the relevant legal questions have changed. For instance, live-streaming of sporting events often involves questions about revenue distribution between the firms who acquired the rights to publish the content and those who provide popular streaming services. With more and more viewers switching to the digital medium, how do you visualise the possible legal solutions to these issues? Develop your answer with due regard to the constitutional provisions that can be invoked by the various stakeholders.

(25 marks, 400-500 words)

Q.4. Journalists have traditionally sought the privilege to maintain the confidentiality of their sources. The belief is that this protection which is also called the 'Newspaper Rule' will lead to more accurate and in-depth reporting since it will allow potential whistle-blowers inside governmental and corporate entities to reveal wrongdoing without the fear of retaliation. On the other hand, critics of this rule argue that it allows journalists to publish reports without seeking due corroboration of the information that is revealed to them and may in fact lead to intrusive, inaccurate and irresponsible reporting on most occasions. It is further argued that the transparent disclosure of the sources of information adds to the credibility of the reporting and also allows for cross-verification of the content in the public domain. Given these sharply contrasting perspectives, what position would you adopt with respect to the practice of protecting the confidentiality of sources?

(25 marks, 400-500 words)
