

**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 1.2. Media and the Law

Total Marks: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions for this '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. How would you explain the concept of 'defamation' in your own words? Furthermore, explain the difference between the terms 'libel' and 'slander', with the help of examples. What are the legal remedies available in cases of defamation? Set out the main differences between the civil remedies that can be sought against defamation and the provisions in criminal law that can be invoked in such cases. Can cases claiming defamation be filed on behalf of groups whose reputation has been harmed?

(25 marks, 700-800 words)

Q.2. The unrestricted access to pornography on the internet has many harmful consequences for a society. Apart from depicting women in degrading positions, the frequent consumption of pornography also leads to copycat behaviour in real life which can include forced sexual interactions and even aggravated forms of sexual assault. It is further argued that even those women who appear to be consensually participating in the production of pornography, usually do so under difficult circumstances such as the need to earn quick money or under pressure from others. On the other hand, there is a view that the mere production and consumption of pornography should not be restricted since there is a difference between the depiction of such acts and their actual performance. Given this context, what are the relevant constitutional and statutory provisions that can be used to tackle the production and consumption of such obscene content? What are the limitations of these legal provisions and their enforcement, especially with respect to the rapid growth of the digital medium?

(25 marks, 700-800 words)

Q.3. The 'Freedom of Speech and Expression' interacts with Copyright Law in different ways. On one hand, it is argued that the strict enforcement of copyright law over literary, artistic, musical and cultural works undermines the growth of creativity and the production of newer works. After all, the free circulation of cultural knowledge in a society enables others to better formulate their ideas as well as the means to express them. On the other hand, it is reasoned that the enforcement of copyright law is necessary to preserve the incentives for writers, artists, musicians and other performers to constantly refine their skills. If the original authors of the works are not sufficiently rewarded for their efforts, why would they continue deepening their engagement in the respective fields. Where do you stand in this debate on the connections between Copyright Law and the 'Freedom of Speech and Expression'? Also discuss the relevance of Copyright Law in the everyday functions of reporting, editing and advertising in the news-industry.

(25 marks, 700-800 words)

Q.4. There are many forms of restrictions placed on the reporting of court proceedings by journalists. For instance, the higher judiciary (Supreme Court of India and the respective High Courts) usually has a process of accrediting journalists who are authorised to enter the courtrooms and take notes on the proceedings. Further, reporting on 'sub judice' or pending matters is treated as a form of 'contempt of court' and can lead to punitive action against the journalists and their respective news organisations. How do such restrictions affect the goal of ensuring 'open justice' in a society? In this regard, briefly explain the implications of the Contempt of Courts Act, 1971. Do the provisions of this law need to be revised given the growth of the digital medium and the ease with which court proceedings can now be recorded or described in detail for the general public?

(25 marks, 700-800 words)
