

**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 1.3. Advertisement 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.
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Q.1. Over the last few years, there has been considerable debate about the increasingly visible phenomenon of 'paid news' in the Indian media. The core of the controversy pertains to the practice of media houses carrying stories at the behest of political parties and business interests among other organised interests. Publishing opinionated stories in return for financial contributions is seen as detrimental to the pursuit of accuracy and objectivity in news-reporting. These concerns have been heightened on account of increasing concentration in media ownership, especially since some powerful family-run firms have built a substantial presence in different forms of news-media (i.e. print, broadcast and digital media). Another complication arises from the fact that some of the larger media houses have close ties with political dynasties and business leaders in other sectors. In such a climate, the apprehension is that the content of the news made available to readers and viewers is not only being filtered at the behest of such interests but is also being presented in a distorted manner.

Even if one were to disregard the claims about concentration of media ownership, these fears are more pronounced in the case of smaller newspapers and television channels which are perhaps more willing to accommodate such extraneous influences in order to ensure their own economic viability. Naturally, this issue has attracted demands for stronger regulation of the news media. Some have suggested that bodies like the Press Council of India (PCI) as well as the Information and Broadcasting Ministry should be empowered to impose high monetary penalties in order to deter such distortions in news

coverage. Others have proposed systemic responses to curb the concentration of media ownership such as prohibiting the same firms from holding a substantial stake in different forms of news-media. While this is an ongoing debate, do you support the demands for such stronger forms of regulation? If an individual reader or viewer is aggrieved by the perceived distortions in a news-story can't he or she use existing remedies by way of civil or criminal litigation against the news-provider? At a deeper level, what is the principled problem with the phenomenon of 'paid news' and increasing concentration in media ownership?

(25 marks, 700-800 words)

Q.2. What are the legal provisions that can be used against the publication of false and misleading advertisements? Especially in light of the COVID-19 pandemic, do you think that there should be stronger laws against false and misleading advertisements of pharmaceutical and medicinal products? How would you analyze the specific example of the product called 'Coronil' which was aggressively advertised as an indigenously developed medicine to combat the Coronavirus by Patanjali Pvt. Ltd.? How would you appraise the response of the Government of India in this matter? What action would you have recommended in this case?

(25 marks, 700-800 words)

Q.3. Recently there has been quite a furore over some film stars promoting brands associated with 'Pan'/'Gutkha'. Even in the past, criticisms have been directed against celebrities who appeared in surrogate advertisements for brands associated with alcohol and tobacco based products. The harmful effects of such products are common knowledge, yet their production and consumption continues unabated due to their addictive nature. In such a situation, should legal proceedings be filed against the celebrities who continue to appear in advertisements for brands associated with alcohol and tobacco based products? Should they be held liable for ill-health and losses caused due to the widespread consumption of these products? On the other hand, how would you address the argument that the celebrities are simply catering to the existing market-demand for these products and eventually it is the consumers who are responsible for their own choices?

(25 marks, 700-800 words)

Q.4. The phrase 'Disparaging Advertising' refers to scenarios where a product is promoted while portraying its competitors in poor light through pointed comparisons between their quality or utility. Some observers in the advertising industry feel that comparative advertising is essential for customers to be able to make informed choices about the products and services that are on offer to them. Others hold the view that such comparisons cannot go to the extent of making derogatory and critical remarks about the competing products and services. In your view, how should the law respond to such instances of comparative advertising? Should it be completely disallowed or can some practical steps be taken to ensure that customers get a fair idea about the quality and utility of the respective products but without any disparaging remarks being made about them? Develop your answer with due regard to examples of brands that have resorted to comparative advertising and faced litigation as a result of the same.

(25 marks, 700-800 words)
