

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

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

**Take Home – Supplementary Examination (December 2-5, 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 MS Word / PDF files containing typed answers.**
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**Q.1.** In your understanding, what is the conceptual difference between 'political speech' and 'commercial speech'? What are the various forms of commercial speech that we encounter in our daily lives? Why is it often said that the threshold for restricting commercial speech is lower than that for political speech? Do you think that this conceptual distinction needs to be re-examined in light of the blurring distinction between news and advertising?

**(25 marks, 700-800 words)**

**Q.2.** Many online businesses such as social media platforms, retail companies, healthcare companies and streaming services rely upon algorithms to analyse the personal data submitted by their users. They then use this data analysis to customise their products and also to engage in targeted advertising. In fact, the phenomenon of 'search-linked advertising' has become so pervasive in our lives, that our browsing history effectively shapes the content and nature of advertising that we encounter. How would you describe the ethical and legal concerns that arise from the ever-expanding use of 'search-linked advertising'? Should the government take concrete steps to regulate the process of targeted advertising through the internet?

**(25 marks, 700-800 words)**

**Q.3.** Do you think that advertising agencies and celebrity endorsers should be held liable for tangible harm caused by the products which they have promoted? Consider an example where a real-estate company fails to deliver timely possession of residential properties. In the same vein, consider a situation when a car-manufacturer receives multiple reports of accidents caused by defects in their vehicles. How would you reconcile such demands for legal accountability with the traditional principles of liability in the Law of Torts? Would extending the chain of liability in such cases have an adverse impact on the growth of businesses and the market for advertising?  
**(25 marks, 700-800 words)**

**Q.4.** The present Bar Council of India (BCI) Rules prohibit lawyers from directly advertising their services in the mainstream media. These restrictions presently apply to all forms of legal practice, be it courtroom advocacy, commercial law firms, in-house counsels or even paralegal work. The rationale offered behind these restrictions is that 'law is a noble profession' and that competitive advertising of legal expertise would bring down the public reputation and prestige of the profession. However, in a realistic sense, legal practitioners do find several methods to promote themselves and their professional expertise. For example, some well-known advocates actively seek press coverage of their matters to boost their individual reputation. Commercial law firms often sponsor conferences and seminars to promote themselves. In such a context, how would you appraise the need for re-examining the rules regarding advertising by lawyers? What could be some practical suggestions to update the regime regarding such advertising by professionals?

**(25 marks, 700-800 words)**

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