

**GUJARAT NATIONAL LAW UNIVERSITY  
SILVASSA CAMPUS**

Course: **Media and Telecommunication Laws**  
Semester- I (Batch: 2023-24)

**End Semester Examination: Oct-Nov 2023 (LLM)**

**Date: 08<sup>th</sup> Nov, 2023**

**Duration: 3 hours**

**Max. Marks: 50**

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: 10 Marks: 800 words, 5 Marks: 400 words.

**Part A**

Answer **any four** of the following questions.

- |  | <b>Marks</b>         |
|--|----------------------|
| <p><b>Q.1</b> In <i>Manufacturing Consent: The Political Economy of the Mass Media</i>, authors Noam Chomsky and Edward S. Herman explore how the American media frames events and creates narratives that serve the interests of the nation's political, economic, and social elite. They argue that control of the media in the United States does not take the form of direct state censorship or a formal conspiracy to manage the news. Rather, there is a powerful set of informal restrictions and controls that limit what journalists cover—and how they cover it.</p> <p>Naom Chomsky writes, “The general population doesn’t know what’s happening, and it doesn’t even know that it doesn’t know. By controlling the information that people receive, the media can create a version of reality that serves the interests of the powerful. Manufacturing consent is not about brainwashing people, but about controlling the information they receive and shaping their beliefs and opinions.”</p> <p>In light of the above statements, elaborate on the five filters of mass media that are postulated in the Propaganda Model.</p> | <p>(10)</p>          |
| <p><b>Q.2</b> In the Consultation Paper on Media Law (2014), the Law Commission of India said: “Monopolies in the field of media ownership have a severely negative impact on the quality of media freedom and plurality in the country, specifically with respect to news coverage. Issues related to ownership of media entities have been raised repeatedly in the last few years by both private observers and government bodies. The overarching concern is that media ownership does not receive sufficient public scrutiny and is under-regulated.</p> <p>On the other hand, hastily imposed regulations in this space could infringe on the freedom of the media, and pave the way towards unwarranted state control. A further issue requiring attention is the consolidation of market share by a single media entity in a given geography. Studies have shown that there are clear examples of market dominance by media entities, making it necessary to address the question of regulation. At this point of time, there are no cross-media ownership restrictions across print, television, and radio in the country.”</p>         | <p>(5x2<br/>=10)</p> |

In light of the above, answer the following questions:

- (a) What are the four different kinds of ownership patterns?
- (b) What is the impact of concentration of media ownership on independence of media?

- Q.3 In *Pravasi Bhalai Sangathan v. Union of India* (AIR 2014 SC 1591), Justice B.S. Chauhan observed, “Hate speech is an effort to marginalise individuals based on their membership in a group. Using expression that exposes the group to hatred, hate speech seeks to delegitimise group members in the eyes of the majority, reducing their social standing and acceptance within society. Hate speech, therefore, rises beyond causing distress to individual group members. It can have a societal impact. Hate speech lays the groundwork for later, broad attacks on vulnerable that can range from discrimination, to ostracism, segregation, deportation, violence and, in the most extreme cases, to genocide. Hate speech also impacts a protected group’s ability to respond to the substantive ideas under debate, thereby placing a serious barrier to their full participation in our democracy.” (10)

In light of the above remarks, trace the origins and contemporary contours of hate speech with the help of relevant laws and landmark judgments.

- Q.4 In *Ranjit D. Udeshi v State of Maharashtra* (AIR 1965 SC 881), the Supreme Court defined Obscenity as “the quality of being obscene which means offensive to modesty or decency; lewd, filthy and repulsive.” The Court has noted the vagueness of the definition of obscenity under Section 292 of the Indian Penal Code 1860 and the consequent difficulty in applying it. However, given the dynamics of social morality, changing social values and evolving standards, a straight jacketed definition of obscenity would have created more problems than it solved. (10)
- In the abovementioned case, the Supreme Court has also recognised that there can be no uniform test of obscenity and that each case would have to be judged on its own facts. However, with time, the Court has laid down broad tests to be followed while judging the obscenity of any publication.

With the help of landmark judgments, enumerate and elaborate on the tests laid down by the Indian Courts to establish whether a publication is obscene or not.

- Q.5 The Freedom of Speech and Expression guaranteed under Article 19(1)(a) of the Constitution of India is a concept with diverse facets, both about the content of the speech and expression and the means through which the communication takes place. It is a dynamic concept that has evolved with time and technological advancement. The Supreme Court has interpreted the phrase ‘speech and expression’ with a wide connotation therefore, many of the rights not expressly found under the Article’s plain words have been consequently recognised through various judgments of the Courts. (10)

In light of the above statement, discuss the various facets of ‘speech and expression’ that have been evolved under the Article 19(1) (a) of the Constitutional of India.

- Q.6 The News Broadcasters Association (NBA) believes that media that is meant to expose the lapses of the Government and in public life cannot obviously be regulated by the Government, else it would lack credibility. It is a fundamental paradigm of freedom of speech that media must be free from government control in the matter of 'content', and that censor and free speech are sworn enemies. It therefore, falls upon the journalist profession to evolve institutional checks and safeguards, specific to electronic media, that can define the path that would conform to the highest standards of rectitude and journalistic ethics and guide the media in the discharge of its solemn constitutional duty. (10)

In light of the above statement answer the following:

- a) What are the guidelines on self-regulation given in News Broadcasters & Digital Association (NBDA)'s *Code of Ethics and Broadcasting Standards*.
- b) What were the recommendations given by the F.S. Nariman Committee vis-à-vis regulation of media in *In Re: Destruction of Public & Private Properties v. State of A.P. and Ors.* (2009) 5 SCC 212?

### Part B

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| Q.7 | Write short note on <b>any two</b> of the following:                                   | <b>Marks</b> |
|     | a) Four Theories of the Press by Siebert, Peterson, and Schramm                        | (5x2=        |
|     | b) Delhi High Court's Guidelines on Sting Operations in <i>Uma Khurana</i> case (2007) | 10)          |
|     | c) Trust Ownership   |              |
|     | d) Telecom Disputes Settlement and Appellate Tribunal (TDSAT)                          |              |

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